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Debra Odum

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

JEFFREY W. MOEHLENBRUCK

JOHN P. RANIERI

Serial No.: 10/812,268

Filed: March 29, 2004

For: METHODS AND COMPOSITIONS
FOR TREATING
INTERVERTEBRAL DISC
DEGENERATION

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Confirmation No.: 2977

Group Art Unit: 1656

Examiner: Marsha M. Tsay

Atty. Dkt: 13461.0055.DVUS02

Client Dkt: SBI-064-US3-DIV

NOTICE OF APPEAL

Commissioner for Patents
Mail Stop AF
P.O. Box 1450
Alexandria VA, 22313-1450

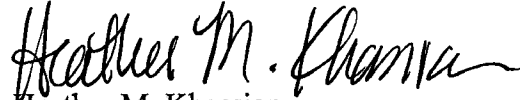
Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the primary Examiner mailed September 25, 2008, finally rejecting claims 82-102 and 125-128.

This paper is filed timely and concurrently with a Request for a Pre-Appeal Brief Conference. No extension fees are believed to be due. The Commissioner is authorized to

deduct the Notice of Appeal fee of \$540 for large entity from Howrey LLP Deposit Account No. 08-3038/13461.0055.DVUS02. Should any additional fees be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct such fees from the same deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Heather M. Khassian". The signature is fluid and cursive, with the first name "Heather" and last name "Khassian" clearly distinguishable.

Heather M. Khassian

Reg. No. 55,194

Attorney for Applicant

Customer No. 23369
HOWREY LLP
2941 Fairview Park Drive
Suite 200
Falls Church, VA 22042
713.787.1400 (phone)
703.336.6950 (fax)